

REMARKS

Claims 1 – 6 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action, the Examiner rejected claims 1 – 6 under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 6,348,971 to Owa et al. (hereinafter referred to as “the Owa et al. ‘971 patent”).

By this Response and Amendment,

claim 1 has been amended to recite: “[a] printing system... comprising: *a virtual printer driver activated at a printing process start, for selecting from multiple printer drivers a printer driver of a printer optimum to printing of printing data among the plural printers, and making the optimum printer execute the printing of printing data by starting the selected printer driver...;*”

claim 3 has been amended to recite “[a] printing method... comprising: *using a virtual printer driver activated at a printing process start to select from multiple printer drivers a printer driver of a printer optimum to printing of printing data among the plural printers, and using the virtual printer driver to make the optimum printer execute the printing of printing data by starting the selected printer driver...;*” and

claim 5 has been amended to recite “[a] computer-readable recording medium storing a printing program... comprising: *a virtual printer driver activated at a printing process start, for selecting from multiple printer drivers printer driver of printer optimum to printing of printing data among the plural printers, and making the optimum printer execute the printing of printing data by starting the selected printer driver....*” As amended, the rejections to claims 1, 3, and 5 are traversed.

Support for the amendments to claims 1, 3 and 5 can be found on page 6, line 20 through page 8, line 21. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Rejections under 35 U.S.C. 102(e)

The Examiner rejected claims 1 – 6 under 35 U.S.C. §102(e) as being anticipated by the Owa et al. '971 patent.

Response

As amended, the rejections to claims 1, 3, and 5 are respectfully traversed. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, or either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP '2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). The Owa et al. '971 patent does not disclose each and every element as now recited in independent claims 1, 3, and 5.

By this Response and Amendment, claim 1 has been amended to recite: “[a] printing system for printing by a selected printer by selecting a desired printer from plural printers connected to a network comprising: *a virtual printer driver activated at a printing process start, for selecting from multiple printer drivers a printer driver of a printer optimum to printing of printing data among the plural printers, and making the optimum printer execute the printing of*

printing data by starting the selected printer driver, wherein the virtual printer driver comprises a printing condition memory for storing a printing condition set by the user; a printer driver selector for selecting a printer driver optimum for printing of the printing data by referring to the printing condition; and a status judging unit for judging the status of the printer corresponding to the selected printer driver...;

claim 3 has been amended to recite “[a] printing method for printing by a selected printer by selecting a desired printer from plural printers connected to a network comprising: *using a virtual printer driver activated at a printing process start to select from multiple printer drivers a printer driver of a printer optimum to printing of printing data among the plural printers, and using the virtual printer driver to make the optimum printer execute the printing of printing data by starting the selected printer driver, wherein the virtual printer driver selects the printer driver using a process comprising a step of setting the priority rank of printing property of printing data; a step of setting the printing condition of each printer of printing data; a printing property input step of entering printing property of printing data for executing printing; a printer driver selecting step of selecting a printing driver optimum for printing of the printing data by referring to the entered printing property, priority rank of printing property, and printing condition of each printer; a printer driver calling step of starting a selected printer driver; and a printing step of executing printing by a printer corresponding to the selected printer driver;*” and

claim 5 has been amended to recite “[a] computer-readable recording medium storing a printing program for printing by a selected printer by selecting a desired printer from plural printers connected to a network for making a computer system execute the operation comprising: *a virtual printer driver activated at a printing process start, for selecting from multiple printer drivers printer driver of printer optimum to printing of printing data among the plural printers,*

and making the optimum printer execute the printing of printing data by starting the selected printer driver, wherein the virtual printer driver selection process comprises a process of setting the priority rank of printing property of printing data; a process of setting the printing condition of each printer of printing data; a printing property input process of entering printing property of printing data for executing printing; a printer driver selecting process of selecting a printing driver optimum for printing of the printing data by referring to the entered printing property, priority rank of printing property, and printing condition of each printer; a printer driver calling process of starting a selected printer driver; and a printing process of executing printing by a printer corresponding to the selected printer driver.” Therefore, all of the claims each recite a “virtual printer driver” for selecting a printer driver optimum for printing.

Claims 1, 3, and 5 recite a virtual printer driver for selecting a printer driver from *multiple* printer drivers. *See claims 1, 3, and 5 and present application* at page 6, lines 20 – 28 (“...this virtual driver refers to the printing condition preset by the user, and automatically selects a real printer driver optimum to printing of printing data from plural printer drivers, and executes the printing operation.”) Each real printer driver is associated with a designated printer. The virtual printer driver of the present invention enables communication between the print program and the real printer drivers.

Contrastingly, the Owa et al. ‘971 patent discloses a single printer driver that communicates with and controls multiple printers. *See Owa et al. ‘971 patent* at col. 3, lines 24 – 41. The Owa et al. ‘971 patent discloses a single printer driver that can be “configured” to control whichever printer is selected to perform a print process. The cited reference lacks the virtual printer driver feature. Rather than multiple drivers, which remain unchanged and which are controlled by a virtual driver, the cited reference discloses a *single* driver that is configurable

to be adapted to the printer that is to perform a print task. The Owa et al. '971 patent simply does not disclose multiple printer drivers as now recited in independent claims 1, 3, and 5.

Therefore, the Applicant submits that the Owa et al. '971 patent does not disclose all of the features of the independent claims. And, the present invention is patentable over the Owa et al. '971 patent. Likewise, as dependent claims contain all of the limitations of the independent claims from which they depend, the Applicant asserts that claims 2, 4, and 6 are patentable over the cited prior art for at least the same reasons as their respective independent claims.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

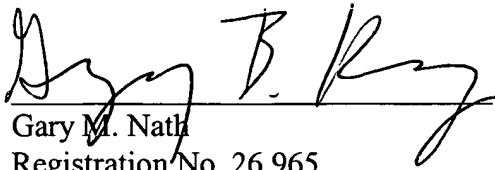
In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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